

**GROTON PLANNING BOARD  
SEPTEMBER 11, 2003  
MINUTES**

Chairman Barringer called the meeting to order at 7:00 PM in the Town Hall  
Members present: Barringer, Clements, Degen, Eliot, Lewis, Perkins and Wilson

**DEER HAVEN PERFORMANCE BOND REDUCTION**

The Planning Board considered David Moulton's request to reduce the performance bond for the Deer Haven subdivision. The Planning Board received a report dated August 21, 2003 from Judith Nitsch Engineering, Inc. (JNEI) recommending a cost-to-complete estimate of \$74,307.31.

The motion was made by Degen not to reduce the bond until the following issues have been addressed:

1. The Conservation Restriction on Parcel C must be recorded at the Registry of Deeds;
2. The access easement area must be cleared and useable;
3. The issues contained in the September 10, 2003 report from Judith Nitsch Engineering, Inc. (JNEI) must be resolved.

*The motion was seconded and passed with Degen, Barringer, Clements, Perkins in favor; Eliot abstaining.*

*(Member Wilson arrived.)*

**GILSON ESTATES BOND RELEASE**

The motion was made by Perkins to release the performance bond for the Gilson Estates subdivision with the condition that the developer shall complete Items 1 and 2 in the JNEI report dated September 8, 2003 prior to street acceptance. The Board determined that the construction of ways and installation of municipal services in the subdivision have been fully and satisfactorily completed by the applicant in accordance with "Chapter 346 – Subdivision of Land" of the Code of the Town of Groton. *The motion was seconded and passed unanimously.*

*(Member Lewis arrived.)*

**PUBLIC HEARING (con't) - ACADEMY HILL MODIFICATION**

The Board held the continuation of the public hearing to consider the application submitted by LandWest to modify the Academy Hill definitive plan. Applicants Bruce Wheeler and Brian Ahern, Attorney Louis Levine, Attorney Ray Lyons, and design engineer Lawrence Beals were present.

Mr. Beals said they have been working through the MEPA process to find alternatives to the approved definitive plan. The design is being guided by many different interests. State officials at MEPA and the Natural Heritage and Endangered Species Program (NHESP) prefer a gated access instead of the ten turtle tunnels shown on the definitive plan. The proposed gates will have electronic mechanisms for opening and closing. The gates would remain closed from March to October. The turtles hibernate from October to March, so the gates are not needed during this time period.

Member Perkins said the Board received a letter dated September 3, 2003 from MassWildlife stating that it wants the houses and roads eliminated from the middle of the site. Mr. Beals said eliminating the center section of the development would result in a long, dead-end street from Townsend Road.

Mr. Levine said the applicant is working with NHESP on alternatives. Even if the houses are eliminated from the center of the site, access for emergency vehicles is still required. Member Perkins said she would be more inclined to vote for the gated through road if the lots and houses in the center of the site were eliminated.

Mr. Lyons said the roads shown on the definitive plan are designed to meet the subdivision regulations.

Mr. Levine said they are still having discussion with the State so they do not know how the plan will be modified at this point. He asked the Board if the applicant could put the plan on hold until they know what will be acceptable to the State.

Member Clements said he would prefer to know whether NHESP would grant a conservation permit prior to making any decisions on the proposed modifications to the plan. He said dead-end streets will require a waiver if they do not comply with the subdivision regulations. He said he is inclined to deny the modifications to the plan at this point.

Member Degen agreed that the developer is not able to build the definitive plan as approved by the Board. He said he is not inclined to vote for any waivers unless the applicant demonstrates that the plan addresses NHESP's concerns.

Chairman Barringer stated that he is in agreement with the other Board members. He said he could not vote for the modifications to the plan without full information from MassWildlife or NHESP. He expressed concerns about the gated through road which creates two dead-end streets. He suggested that the applicant work out the details with the State, and then come back to the Planning Board with modifications to the plan.

Member Degen said the Board could either continue the public hearing to a future date or vote on the proposed modifications at this meeting. He suggested that the applicant consider withdrawing the plan.

Attorney Lyons said the 1000 ft limit of a dead-end road is based upon access for emergency vehicles and the length of fire hoses. This plan still provides for emergency vehicle access so there is no impact on residents if the waivers are granted.

The applicant decided to withdraw the plan. The motion was made by Degen to accept the withdrawal of the modifications to the Academy Hill definitive plan without prejudice toward a new submission. ***The motion was seconded and passed unanimously.***

## **HUNT CLUB MEADOWS DEFINITIVE PLAN**

The motion was made by Perkins to approve the definitive plan entitled, "Definitive Plan for the Subdivision of Land for Hunt Club Meadows in the Town of Groton, Massachusetts," prepared by Beals Associates, dated April 21, 2003, with revisions through August 8, 2003, the following conditions:

### **Conditions:**

1. The applicant shall comply with all of Groton's Zoning By-law's Chapter 218 and its Subdivisions Rules & Regulations under definitive plan § 346-8 for the land in Groton to be subdivided.
2. The name of this subdivision is "Hunt Club Meadows" and the name of the subdivision road is "Fox Hound Lane". These names cannot be changed unless the Planning Board holds a public hearing and votes to modify the definitive plan because changing the names may result in confusion for dispatching emergency vehicles to the site. After the road is accepted as a public way, any name change must be approved by the Board of Selectmen pursuant to MGL Chapter 85, section 3.
3. All outstanding items in the JNEI report (attached herewith), dated September 4, 2003, shall be addressed prior to endorsement of the definitive plan.
4. Subsurface soil testing and percolation tests shall be conducted in the vicinity of the detention basins prior to commencement of construction.
5. No construction related activities shall begin on the site until the Board of Health has reviewed and approved the suitability of the soils on the site for residential use. A copy of the Board of Health's report is attached herewith.
6. As required in § 346-12C Fire Protection and § 346-13G Street Signs, the street sign shall be installed prior to the issuance of any building permits.

7. An erosion and sedimentation control plan must be submitted to the Earth Removal Advisory Committee for its review and approval as required in Chapter 198 Soil Erosion and Sedimentation Control. The erosion and sedimentation control plan shall be appended to the definitive plan as required in Section 346-8C(1)(e)[1][c].
8. The removal of any excess earth material from the site requires a Certificate of Exemption from the Earth Removal By-law, Chapter 134 of the Code of the Town of Groton. Chapter 134, Section 10 Exemptions, states:  
  

“The above exemptions do not cover the removal of earth materials from the premise involving topographical changes or soil-stripping or loam-stripping activities, nor shall the tentative or final approval of a subdivision plan be construed as authorizing the removal of earth materials from the premises, even though in connection with the construction of street as shown on the plan.”
9. Public water shall be supplied to each lot in the subdivision as required in § 346-12A of the subdivision regulations. The installation of the public water supply system shall conform to § 346-12C Fire Protection and the specifications of the Groton Water Department.
10. No stumps, brush, or wood waste shall be buried on site.
11. As required in § 346-13A(2) of Subdivision Regulations, access ramps for the disabled shall be provided at all intersections and driveways. The ramps shall conform to the Architectural Access Board current regulations (521 CMR) and the Americans with Disabilities Act (ANSI A117.1) current regulations.
12. As required in Section 346-8G(1) of the Subdivision Regulations, the as-built plan shall be certified by a Registered Professional Engineer that the grades on all lots have been established in compliance with the drainage and topographical plans and that said grades have been established so as not to create adverse drainage patterns onto adjoining lots or streets.
13. The definitive plan approval and all easements, covenants and restrictions shall be recorded at the Registry of Deeds along with the definitive plan. No construction or site alteration shall commence until the applicant submits evidence of such recording to the Planning Board.
14. Prior to endorsement of the definitive plan, the subdivider shall either file a bond as required in Section 346-8E(1) Final approval with bonds or surety or Section 346-8E(2) Final approval with covenant. Nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
15. The conditions of the definitive plan approval apply to any successor in interest or successor in control.

***The motion was seconded and passed unanimously.***

## **PUBLIC HEARING – SPECIAL PERMIT VERIZON ON GIBBET HILL TOWER**

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Cellco Partnership, dba Verizon Wireless, for a special permit to utilize the provisions of Groton Zoning By-law Section 218-25.1 Personal Wireless Services Facility to co-locate antenna and required ground equipment on Gibbet Hill Tower’s approved 150-foot monopole style telecommunications tower on land owned by Gibbet Hill Tower, LLC, shown as Assessors Map 116, Parcel 3, on the northerly side of Lowell Road and Westerly side of Shattuck Street.

Chairman Barringer called the public hearing to order. Clerk Perkins read the notice published in the August 29 and September 5, 2003 issues of the *Groton Herald*. Attorney James Valeriani and RF Engineer Jared Robinson represented Verizon at the public hearing. Steven and Joshua Webber, owners of the Gibbet Hill tower and site, were also present.

Mr. Valeriani said the Planning Board granted the special permit for construction of the Gibbet Hill Tower in 2002 with Sprint and AT&T. Subsequently, the Board granted special permits to VoiceStream (PB 2002-10) and Nextel (PB 2003-04) to collocate on the tower. Verizon proposes to install 12 panels on the monopole at the 138 ft elevation in order to improve coverage in the area. The new equipment will substantially improve service by raising the elevation by 50 ft over the elevation of Verizon's existing equipment on the nearby DEM fire tower. Mr. Valeriani noted that Verizon is the largest carrier in the United States. The proposed panels will be smaller than Nextel's panels and will include installation of a microwave dish. Verizon requires a full-blown shelter for its ground equipment.

Chairman Barringer asked if Verizon could flush-mount its equipment. Mr. Valeriani said, "no." Verizon will comply with the special permit conditions required for the other carriers, but it cannot flush mount its equipment.

Chairman Barringer asked what the microwave dish is used for. Mr. Valeriani said it links the tower to the South Acton tower without using a land line.

Member Degen said when the Board granted a special permit for this tower at a height of 150 ft, it asked other carriers to flush mount equipment on the higher elevations. Mr. Valeriani responded that, for technical reason, Verizon requires a standard array.

RF engineer Jared Robinson said Verizon holds two licenses – one for cellular and one for PCS. Therefore, two sets of antennae are needed and cannot be flush-mounted. Verizon's equipment will be installed at the 138 ft elevation. Sprint is presently at 128 ft. Flush mounting would drop the PCS antennae too close to Sprint's equipment.

Member Degen asked what equipment is on the DEM fire tower at the present time. Mr. Robinson said only Verizon's cellular equipment, not its PCS. Member Degen asked if the cellular equipment could stay on the DEM tower and the PCS equipment be flush mounted on the Gibbet Hill tower. Mr. Robinson said, "no," Verizon would be forced to look for another tower in that case.

Member Perkins asked if Verizon's coverage map shows existing or proposed coverage. Mr. Robinson said the maps submitted with the application show both.

Abutter William Wilcox said he owns an eleven acre farm immediately adjacent to the site. His house is the closest to the tower. When there are no leaves on the trees, the tower is very visible. Mr. Wilcox said they also hear all the construction workers and noise from the equipment during construction. He requested that Verizon move its ground equipment to the south side of the lease area. He said they have three children and are concerned about the health impacts from the microwave dish.

Chairman Barringer said the Federal Telecommunication Act prohibits the Planning Board for commenting on health issues.

Member Perkins asked if the proposed cabinet is within the approved compound area. Mr. Valeriani said, "yes." Joshua Webber said there are six lease areas on the ground. Cingular will use the area near the Wilcox property if Verizon does not.

Member Degen said the Planning Board should ask its RF engineering consultant for an opinion on the question of flush mounting. Mr. Valeriani said Verizon submitted expert testimony with its special permit application. He said most activity would take place during construction. Once the equipment is up and running, a technician will visit the site only once or twice a month.

Member Perkins asked if Verizon would be willing to provide landscaping to help screen the tower from the Wilcox property. Mr. Valeriani said, "yes."

Member Perkins requested that Verizon work with Mr. Wilcox and the Webbers to help screen the tower and equipment. Mr. Valeriani said he is willing to work with the Planning Board on this issue.

Member Lewis said the applicant should be careful not to block the view of the hill while providing screening for the

tower. Mr. Valeriani said the tower is on an embankment, but they are willing to screen the facilities by providing plantings outside the fence.

Steve Webber said the area is very steep, but perhaps some plantings could be provided on the Wilcox lot.

The Board discussed sending the application to its expert consultant for review. Mr. Valeriani said the applicant submitted the required filing fee for the Board to hire such a consultant.

Mr. Valeriani said Verizon's proposed installation is at 138 ft, which will be as visible as Sprint's and Nextel's. However, Verizon's equipment is 12 ft in diameter, Sprint's is 15 ft, and Nextel's is 13 ft. The monopole was designed to fit six carriers in keeping with the FTA regulations. Flush-mounted equipment is not as reliable as a standard array. Without a standard array, Verizon will need another tower in central Groton.

Member Degen said the Board is not against the tower – it is only trying to make it as innocuous as possible. He stated that the Board should have a peer review of this application. Member Degen asked if Verizon has any conflicts with the Board using David Maxson. Mr. Valeriani said, "no."

The motion was made by Degen that the Board engage David Maxson of Broadcast Signal Labs to review the possibility of Verizon installing flush-mounted equipment rather than a standard array without a degradation in coverage.

Mr. Valeriani said Verizon does not have enough space to flush mount its equipment. He added that the Sprint and Nextel installations are just as visible. He stated that the Board was using a discriminatory approach with Verizon's application.

Member Perkins noted that the Board had similar discussions with other carriers.

***The motion was seconded and passed unanimously.***

The Board voted unanimously to continue the public hearing on September 25, 2003 at 8:30 PM.

## **GIBBET HILL RESTAURANT SITE PLAN DECISION**

The Board reviewed the draft site plan approval for the Gibbet Hill Restaurant. The motion was made by Perkins to approve the Level II site plan entitled, "Plan to Accompany Site Plan Review – Proposed Restaurant, Gibbet Hill in the Town of Groton, Massachusetts," prepared by Beals Associates, dated July 14, 2003, with revisions through September 4, 2003, with the following waivers and conditions:

### **Zoning Waivers:**

1. **Section 218-23.B(13)** - A waiver is granted from parking regulations for restaurant use from one space for every two seats to one space for every three seats. The applicant has researched numerous surrounding towns and has found that one space for every three seats is sufficient for the proposed use.

### **Site Plan Review Regulations Waivers**

2. **Section 218-25.K.1.1** - A waiver is granted from the requirement for a USGS locus map at a scale of 1" = 100' as the scale appears to be a typographical error, and because locus maps at two other scales have been provided.
3. **Section 218-25.K.1.8** - A waiver is granted from the requirement for a cut and fill analysis. The proposed project is an existing developed site, where two buildings are proposed for redevelopment.

4. **Section 218-25.K.1.14** - A waiver is granted from the required scale of the architectural plans.
5. **Section 218-25.K.2.2.2** - The applicant is requesting a waiver from Section 218-25.K.2.2.2 in order to allow minimal lighting of the access road and parking area. Since the proposed project is very open and visible from numerous places along existing roadways, minimal lighting will decrease the potential for light pollution of the surrounding areas.
6. **Section 218-25.K.2.2.3** - The applicant is requesting a waiver from Section 218-25.K.2.2.3 in order to allow minimal lighting of the walkways. Lighting will be provided on the redeveloped buildings, which will illuminate the walkways. Since the proposed project is very open and visible from numerous places along existing roadways, minimal lighting will decrease the potential for light pollution of the surrounding areas.
7. **Section 218-25.K.2.3.1** - A waiver is granted from the requirement of utilizing an 8.3-inch 100-year storm, rather than a 6.5-inch 100-year storm, as per the Town of Groton Subdivision Rules and Regulations.
8. **Section 218-25.K.2.4.3** - A waiver is granted from the requirement for a 24-foot wide travel aisle in the proposed parking area. A 22-foot wide aisle is proposed to limit the amount of area devoted to parking on the site.
9. **Section 218-25.K.2.4.6** - A waiver is granted from the requirement for concrete or asphalt paving in favor of “star pack” crushed granite. The applicant feels the proposed paving material is more in keeping with the existing developed “farm yard”.
10. **Section 218-25.K.2.4.7** - A waiver is granted from the requirement to provide vertical granite curbing on the edges of all surfaced areas. The proposed “star pack” paving has been designed to drain into vegetated swales without the need for curbing, with the exception of the drop-off area and the radii at the intersection with Lowell Road.

**Conditions:**

1. The plan has been reviewed and approved by the Fire Chief to ensure adequate emergency vehicle access to the site and the buildings (see attached memorandum dated September 11, 2003 from the Fire Chief).
2. The applicant shall implement the recommendations contained in the “Traffic Impact Study in Connection with a proposed Gibbet Hill Restaurant/Function Hall on Lowell Road (Route 40),” prepared by Fay, Spoffard & Thorndike, dated September 2, 2003.
3. An adequate number of evergreens shall be planted along the westerly edge of the parking lot to prevent headlight glare from shining onto nearby residences including the Petapawag Place housing development.
4. The applicant shall comply with “Operation and Maintenance Plan – Proposed Restaurant, Groton, Massachusetts,” dated August 4, 2003, and the “Proposed Operation and Maintenance Plan, Proposed Restaurant Parking Field, Groton, Massachusetts,” dated August 6, 2003 (attached herewith).
5. The applicant shall take effective measures to control dust on the site at all times as described in the above referenced Operation and Maintenance plans. The use of any dust control chemicals is subject to the approval of the Board of Health.
6. The applicant shall find an effective way to delineate the parking spaces if the absence of such delineation becomes a problem.
7. There shall be no net increase in the rate or volume of storm water runoff from the site as required in Section 218-25G(1)(c).

8. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h).
9. Parking for the disabled and access to the building shall comply with the requirements of the Architectural Access Board Regulations, 521 CMR, and the Americans with Disabilities Act.
10. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton.
11. The removal of any excess earth material from the site requires a Certificate of Exemption from the Earth Removal By-law, Chapter 134 of the Code of the Town of Groton. Chapter 134, Section 10 Exemptions.
12. An erosion and sedimentation control plan must be submitted to the Earth Removal Advisory Committee for its review and approval as required in Chapter 198 Soil Erosion and Sedimentation Control.
13. Three copies of the final site plan approved by the Planning Board shall be submitted to the Board for endorsement as required in Section 218-25G(3).
14. One year after the Building Inspector grants the final occupancy permit, the Planning Board shall review the project to determine if any modifications to the site plan are warranted.

*The motion was seconded and passed unanimously.*

#### **PUBLIC HEARING – BROOKS ORCHARD SPECIAL PERMIT**

*(Member Degen stepped down because he is an abutter.)*

The Board continued the public hearing to consider the Brooks Orchard special permit plan submitted by the Groton Land Foundation. Directors Robert Pine, Aleta Manugian, June Johnson, architect Sheldon Pennoyer and many abutters were present.

Mr. Pine presented the special permit plan based upon an 18-unit concept plan approved at the September 2002 Special Town Meeting. Mr. Pine said the proposed plan has 14 units served by a subdivision road as shown on the preliminary plan. He said Groton is losing agricultural land. The area to be protected by the proposed plan includes critical wildlife habitat and corridors, trails, and recreational areas. The GLF has extended its agreement to purchase the land from the Webbers. The development plan will pay for the cost of the land purchase. Mr. Pine said there would be two development areas, each with a site-specific design. Mr. Pine said the number of units on the site is critical to the GLF. They will be asking for a waiver on the length of the subdivision road with a gated emergency vehicle access road over the McLatchy property. The plan for Orchard Lane has been changed to address abutters' concerns.

Architect Sheldon Pennoyer reviewed the architectural elevations.

Member Perkins asked about the number of units. Mr. Pine said there are 14 units shown on the plan, but Town Meeting approved up to 18 units.

Chairman Barringer read comments from the Water Department, the Conservation Commission, the Board of Health, and the Police Chief. The Board also received a letter dated September 5, 2003 from Attorney Richard Gallogly on behalf of Charles McLatchy.

Joshua Degen, speaking as an individual and not as a Planning Board member, suggested that the Board members ask questions first. The Board said it wanted to hear from the public first.

Abutter Bruce Easom said the proposed plan is much better than the previous plan submitted by the Marion D. Campbell Trust. He said he would like to see the orchard continue as a viable agricultural enterprise.

Carla Kieleczawa asked how the applicant would address the bus stop at the intersection of Orchard Lane and Martins Pond Road. Mr. Pine said they would discuss the engineering details with the Planning Board and its engineer. He described the plan to add a small island to control the flow of traffic in the intersection. The GLF will construct a

school bus waiting area.

Chairman Barringer asked if Orchard Lane would be one way or two ways. Mr. Pine said they will meet with the Police Chief and Fire Chief at the site to discuss the intersection and traffic flow issues.

Member Lewis asked if there are icing problems during the winter months. Many residents said, "yes."

William Norrish said he could see the benefit of the proposed changes to the intersection.

Abutter Lynn Mueller said school buses come and go in both directions for high school, middle school and elementary school children. Member Lewis said the applicant should meet with public safety officials and the school department to discuss this issue.

Mr. Degen said he likes the one-way proposal, but his trucks would not be able to negotiate the island.

Lynn Mueller said two-way traffic is a problem because Orchard Lane is very narrow and two cars cannot pass on the road today.

Abutter Ted Martland asked what the distance is from the houses to the school buses. Chairman Barringer said the school district expects children to walk 1000 to 1500 ft to catch the school bus.

Member Perkins asked if the road would be private or public. Mr. Pine said it would be a private, subdivision road. Member Perkins asked if a homeowners association would maintain the road. Mr. Pine said, "yes."

Abutter Gerry Perry asked how close the intersection would be to her driveway and what the width of the road will be. Mr. Pine said they would flag the centerline of the road. He said the road would be 18 to 22 ft wide. Mrs. Perry agreed that the road should be widened so two cars can pass.

Mr. Degen said the one-way road would force all the traffic past his house and Mrs. Perry's house. He said the subdivision regulations limit a dead-end street to 1000 ft serving 12 units, including the existing five houses. Therefore only seven additional units are allowed. He added that the total length of the dead-end street and shared driveway is 2000 ft. The subdivision regulations require two access roads to serve the proposed number of units. He stated that the Town Meeting vote was based on the statement that the number of units would not exceed the cost to purchase the land. He asked how the Planning Board could be sure the number of units does not exceed this amount now that APR funding is available.

Mr. Pine said the number of units to be developed was a maximum of 18 on a single access road as shown on the concept plan approved by Special Town Meeting. He stated that the special permit application was submitted under the previous flexible development provisions but it could be submitted under the new flexible development by-law adopted at the 2003 Annual Town Meeting.

Mr. Pine continued that the road would be 1100 ft long with a 900 ft shared driveway. Parking will be provided for public access to the open space. The GLF is proposing a non-paved, stone dust road surface and an open drainage system.

Chairman Barringer asked if the private subdivision road would be accessible to the public up to the parking area. Mr. Pine said, "yes."

Member Wilson asked if the public safety officials have commented on the proposed emergency vehicle access road on the McLatchy property. Mr. Pine said he would discuss it with them at the site walk to view the intersection.

Abutter Amy Degen asked about the length of the emergency vehicle access road. Mr. Pine said it is about 1500 ft long.



Wendy Good commented that the proposed plan to construct 14 units on 190 acres is the best plan for the property. She said the Town is very fortunate to have the Webbers and the Groton Land Foundation working together to preserve the views.

Member Lewis asked about the secondary access for the farmhouse. Attorney Richard Gallogly, representing Charles McLatchy, said the easement on the McLatchy property benefits the land with the orchard. It is not intended that this road be used for full access. He stated that the Marion Campbell Trust reduced the number of units on its subdivision plan because this easement could not be used as access for the subdivision. He said Mr. McLatchy intends to grant an easement to the applicant only for emergency vehicle access.

Mr. Pine said they have to work out the details of the easement agreement with Mr. McLatchy. Gates will be installed and the right-of-way will not be abused.

Mr. Gallogly added that Mr. McLatchy is also granting an easement to the Groton Water Department for access to the water storage tank.

Terri Ragot of the Housing Partnership asked about the cost of the units and marketing. Architect Sheldon Pennoyer described the two sites. The farmhouse cluster will contain units accessible for the disabled. The existing barn will be used as a community center. The cluster on the knoll will have one story at grade with a lower story underneath so the houses will not dominate the land.

Mr. Pine said the GLF would control the price of the units when it goes out to bid on the project. He anticipates that the prices will range from \$350,000 to \$450,000 with one affordable unit.

Ed McNierney of the Groton Conservation Trust said people must not lose sight of how we got to this point. He stated that the Webbers did an extraordinary thing when they purchased the lands from the Marion D. Campbell Trust. He reminded the Planning Board that the concept plan for 18 units was recommended by the Planning Board and approved by the Special Town Meeting. The GLF has already reduced the number of units by 20%.

Terri Ragot said she liked the plan with the farmhouse style architecture and low density. She said she hopes the affordable unit will stay in the plan.

Pam Gill said this is an outstanding plan and she is proud to be a resident of Groton. She wishes the Town had more plans like this one with access to the trails, open space and agricultural land. She said single-level houses are very needed in Groton.

Carla Kieleczawa said many people have gracious comments but they are not abutters so they will not be impacted by the development. Martins Pond Road is a heavily traveled road and many children live in the area.

Mr. Degen said he agrees with some aspects of the plan, but he has concerns with access to the units and contamination from past agricultural use. He said remediation of the soil is required under Chapter 41, § 81U.

Member Lewis said he is grateful that the applicant is reducing the number of units but he still has concerns about the length of the road and icing conditions in the winter. He said the Planning Board, its traffic engineer, and the public safety officials must address the intersection. Drainage issues must also be addressed. He stated that the road should be paved because a gravel road will be very dusty.

Chairman Barringer asked if fire hydrants would be installed. Mr. Pine said, "yes."

Paul Funch of the Trails committee encouraged the Board to keep its "eye on the prize." He said the voters at Town Meeting approved the plan because it saved the drumlins and scenic views. The outstanding issues can be resolved. He said this area provides a critical trail link and the Planning Board should find a way to make it happen.

Lynn Mueller said she agrees that it is important to save the orchard. She asked how many cars would park in the

public parking area noting that this will add to traffic on the road. Mr. Pine said there would only be a few spaces because the open space area will not generate a large amount of traffic.

Ed McNierney said the trails on this site link with the Williams Barn area and will provide an important link with other trails in the area.

Member Clements said he is in favor of the plan succeeding as long as it can be reconciled with the subdivision regulations. He noted that many subdivisions have long driveways off the end of the cul de sac.

Mr. Pine said the Board must determine if access is adequate. He said he is comfortable that the GLF is proposing safe and adequate access to the development.

Helene Easom asked how she would be able to access this land from the Williams Barn. Mr. Pine pointed out the route on the map.

Joshua Degen said at the end of the cul de sac there would be an additional 1000-ft long driveway. He asked what the distance is from the cul de sac to the gated emergency vehicle access road on the McLatchy land. Mr. Pine said about 2000 ft.

Member Perkins said the Special Town Meeting voted to approve up to 18 units. She said the Board must address the road and access issues. She stated that this plan meets the goals and objectives of the Comprehensive Master Plan.

Chairman Barringer said the Board must receive comments from the public safety official on the proposed access.

Member Eliot asked the applicant to submit a written request for waivers.

Member Wilson expressed support for the plan, adding that the Board must focus on the access issues.

Susan Horowitz asked about the request for the GLF's financial disclosure discussed at the last hearing. Chairman Barringer said the applicant declined to submit the financial information.

Member Wilson said he asked the Planning Administrator to speak with Town Counsel about this request. Planning Administrator Michelle Collette said she spoke with Town Counsel Elizabeth Lane who said the Board could ask for the information and explore the topic with the applicant.

Member Wilson said, in balance, the conservation value of the project trumps the need for the Planning Board to compel financial disclosure. He said he does not see any reason to pursue this matter.

Chairman Barringer said records on non-profit organizations are generally available to the public. June Johnson said the Groton Conservation Trust and Groton Land Foundation submit the required documentation to the IRS and Attorney General.

Joshua Degen asked how the Board could be sure the minimum number of units will be built on this land. He added that the cost of the land could be off set by the sale of land to abutters. He stated that Mr. Pine and Ms. Johnson would gain financially for their professional services on this project. Member Eliot said that is not a pertinent matter for the Board to discuss.

The Board voted unanimously to continue the public hearing on October 9, 2003 at 7:30 PM.

### **COMMENTS TO THE ZBA – WASHINGTON GREEN 40B PLAN**

Attorney Ray Lyons met with the Board to discuss the Washington Green comprehensive permit plan. Mr. Lyons said the proposal contains 44 units, including 11 affordable, on land located on Lowell Road near the Groton Electric Light Department substation. The wetlands buffer zone and 200 ft riparian zone along Martins Pond Brook will not be disturbed. The maximum cut and fill will be around eight feet.

Chairman Barringer asked about sewage disposal. Mr. Lyons said there will be eight shared systems throughout the site. Member Degen noted that three of the sewage disposal systems will be located in the buffer zone. Mr. Lyons said, “yes,” a waiver from the Board of Health is required.

Chairman Barringer asked about setbacks from the abutting lots and road. Mr. Lyons said setbacks do not apply to the plan submitted under Chapter 40B.

Member Wilson asked about noise from GELD’s substation. Mr. Lyons said the natural ridge will provide a sound barrier. The applicant will erect a fence to provide additional screening.

Chairman Barringer asked about a recreation area for children to play. Mr. Lyons said children can wander onto the adjacent conservation land.

Member Perkins asked if the project would be served by public water. Mr. Lyons said, “yes.”

Chairman Barringer asked if the units will be townhouses. Mr. Lyons said, “yes,” each with two stories.

Member Wilson asked about parking. Mr. Lyons said there would be some garages and some outside parking spaces.

Member Degen said there is a 20 ft grade change around the buildings shown on the plan. This is a very significant drop off.

Member Perkins asked about sight distance on Lowell Road. Other members of the Board agreed that this is a dangerous egress on Lowell Road where cars travel 50 mph.

Member Degen asked if the applicant would be willing to increase the number of affordable units. Mr. Lyons said, “no.”

Member Perkins suggested relocating the sidewalk to the side of the road without the driveways.

Member Wilson suggested moving the garages to the side to reduce the amount of pavement in the rear of the units.

Member Perkins suggested constructing a boulevard entrance to slow traffic. Mr. Lyons said they would consider it along with the landscaping plan.

### **PROPOSED DEVELOPMENT RATE LIMITATION AMENDMENT**

The motion was made by Clements to submit the proposed Development Rate Limitation Amendment, drafted by Mark Bobrowski, to the Board of Selectmen as an article for the October 27, 2003 Special Town Meeting. ***The motion was seconded and passed unanimously.***

Meeting adjourned at 11:45 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

